

## **REMARKS**

**[0006]** The Applicant respectfully requests reconsideration and allowance of all of the claims of the application. The status of the claims is as follows:

- Claims 1-8 are currently pending
- Claims 7 and 8 are currently amended

### **Support for Claim Amendments**

**[0007]** Claims 7 and 8 have been amended to recite aspects of a 10-key keypad, and how such a keypad can advantageously be used in searching for programming. This amendment is supported by at least the Abstract, paragraphs [0024], [0104] and [0105], and Table 2.

**[0008]** Claim 7 was also amended to recite aspects of background queries. Background queries are discussed at Fig. 13 and paragraphs [0098] through [0102].

### **Cited Documents**

**[0009]** The following documents have been applied to reject one or more claims of the Application:

- **Legall:** Legall, U.S. Patent No. 6,005,565
- **Schindler:** Schindler, U.S. Patent No. 6,359,636
- **Yohanan:** Yohanan, U.S. Patent No. 7,032,185
- **Maze:** Maze, U.S. Patent No. 6,216,264
- **Coden:** Coden, U.S. Patent No. 5,873,080
- **Bedard:** Bedard, U.S. Patent No. 5,801,747

**Claims 1 and 4-8 Are Non-Obvious Over Legall in view of Schindler,  
Yohanan, Maze and Coden**

**[0010]** Claims 1 and 4-8 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Legall in view of Schindler, Yohanan, Maze and Coden. The Applicant respectfully traverses the rejection.

**Independent Claim 1**

**[0011]** Claim 1 is not amended. The Applicant respectfully submits that the Office has not made a *prima facie* showing that independent claim 1 is obvious in view of the combination of Legall in view of Schindler, Yohanan, Maze and Coden. The Applicant respectfully submits that even combined, the references of record do not teach or suggest at least the following features of this claim (with emphasis added to indicate points of discussion):

**1. (Previously Presented)** A method for operating an electronic program guide displaying television programming information, comprising the following steps:

displaying a user interface indicating television programming information comprising a plurality of channels, time periods and programs configured as a program grid comprising program tiles associated with programs, wherein a user can realize when and on what channel a program is offered by viewing a program tile associated with the program, and wherein the user interface implements recording and reminding functionality by **providing icons configured to be dragged and dropped by the user into a program tile associated with any program, where the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program,** respectively;

generating a query, in response to activation by the user of a query generating button defined by the user interface, wherein the activation of the query generating button results in display of a find window of the user interface to assist the user in creating a query, wherein the query defines a search of an electronic programming guide database, wherein the user

interface is configured to allow the user to save the query, and wherein the saving results in creation of a soft button, defined on the user interface, such that operation of the soft button allows a user to quickly retrieve and operate the saved query;

receiving search parameters from the find window, the parameters comprising: genre; network; rating; and program name;

displaying an advanced find window in response to selection of an advanced query button within the find window, wherein the advanced find window allows search by additional search parameters including keywords, wherein the advanced find window defines a plurality of user created searches, wherein a user created search may be saved by the user by associating the search with a tabbed folder, and wherein tabbed folders may be created and removed by operation of buttons within the advanced find window;

querying the electronic programming guide database using filters, comprising:

a filter finding program types desired by the user; and

a filter removing program types not desired by the user; and

unifying plural queries using a unified query function configured to combine queries of plural individuals into a unified query, wherein the combining is performed by a Boolean AND or OR function.

**[0012]** Claim 1 recites in part, “providing icons configured to be dragged and dropped by the user into a program tile associated with any program, where the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program”. The Office cites Schindler at column 18 lines 10-30 as teaching this element of claim 1.

**[0013]** As a first point, the Applicant respectfully submits that, at least, Schindler fails to teach “where the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program” (emphasis added), as recited. Referring to Schindler, particularly at column 18 lines 10-30, Schindler fails to teach or suggest displaying a user interface that provides icons that can be seen after they are dragged/dropped to indicate recording or reminding, as recited by claim 1.

Continued visibility provides an important information-conveying function of the Applicant's user interface, as recited by claim 1.

**[0014]** Instead, Schindler teaches that icons (i.e. "program cells" of the grid of the program guide) may be dragged and dropped into either the record, remind, buy, view and/or picture-in-picture icons. Accordingly, Schindler teaches that the user may record and/or remind of a program by dropping an associated program grid tile into the record and/or remind icon.

**[0015]** However, Schindler fails to teach or suggest "where the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program", as claimed. It is objectively true that Schindler fails to teach that the icons, which indicate that a program is to be recorded, or about which a user is to be reminded, *can* be seen. In fact, the Applicant respectfully submits that Schindler makes no teaching of any icon or indicator of such upcoming action. That is, Schindler's interface provides no icon that can be seen after an icon is dragged to prompt functionality.

**[0016]** Moreover, Schindler's teachings also fail to *suggest* that "icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program", as recited by claim 1. In fact, Schindler *teaches away* from such an indication by instead providing a "recording logo" in the form of reel-to-reel tape on the record icon in a space that might otherwise be used to contain some indication of what was to be recorded. Accordingly, Schindler fails to teach or suggest that either the program grid, or the record icon, contains any indication that can be seen by the user to indicate that a program is to be recorded.

**[0017]** As a second point, the Office addresses the “drag and drop” portion of the recited claim language in the middle of page 4 of the Action mailed 11/16/2009. However, the Applicant respectfully submits that the Office fails to address the portion of the claim reciting “where the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program”. That is, the Office does not point any teaching by the cited art of record that would allegedly render this claim recitation obvious. Accordingly, the Applicant respectfully submits that claim 1 is not rendered obvious by the cited art of record, and respectfully requests that the rejection be withdrawn.

**[0018]** As a third point, the Applicant respectfully addresses the Office’s suggestion that *drag-and-drop of program tiles to a record icon* teaches and/or suggests *drag-and-drop of a record icon into a program tile*. The Applicant respectfully characterizes the Office’s position as suggesting the above two options as substantially equivalent design choices. The Applicant respectfully disagrees.

**[0019]** The Applicant respectfully submits that the Applicant’s method provides significant advantages over the cited art of record. By dragging-and-dropping the record icon into a program tile of the program grid, as recite by claim 1, the Applicant claim 1 provides significant advantage over the cited art of record. In particular, the Applicant’s method, as recited by claim 1, provides for a visual indicator of a future recording of a program. Referring to Fig. 6 of the Applicant’s drawings, the program “Caroline in the City” (to the right of the “Seinfeld” program block) has a “record” icon that provides a visual indication of the record instruction provide by the user. Thus, the Applicant’s choice of drag-and-drop of the record icon was advantageous, and provides

advantages (e.g. the icon associated with “Caroline in the City”) not taught or suggested by the cited art of record. In contrast, dragging the program tile (as opposed to dragging the record icon) provides no clear manner in which to create a user interface that provides indicator(s) in the program grid of programs to be recorded.

**[0020]** Consequently, Legall in view of Schindler, Yohanan, Maze and Coden do not teach or suggest all of the elements and features of this claim. Accordingly, the Applicant respectfully requests that the rejection of this claim be withdrawn.

#### Dependent Claim 2-7

**[0021]** Claims 2-7 ultimately depend from independent claim 1. As discussed above, claim 1 is allowable over the cited documents. Therefore, claims 2-7 are also allowable over the cited documents of record for at least their dependency from an allowable base claim. These claims may also be allowable for the additional features that each recites.

#### Independent Claim 7

**[0022]** The Applicant submits that, at least in view of the amendments, the Office has not made a *prima facie* showing that independent claim 7 is obvious in view of the combination of Legall in view of Schindler, Yohanan, Maze and Coden. The Applicant submits that even combined, the references of record do not teach or suggest at least the following features of this claim (with emphasis added to indicate points of discussion):

**7. (Currently Amended)** A method for operating an electronic program guide displaying television programming information, comprising:  
displaying a user interface indicating television programming information comprising a plurality of channels, time periods and programs,

wherein a user can realize when and on what channel a program is offered by viewing a program tile associated with the program, and wherein the user interface implements recording and reminding functionality by **providing icons configured to be dragged and dropped by the user into a program tile associated with any program, wherein the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program, respectively;**

generating a query, in response to activation by the user of a query generating button defined by the user interface, wherein the activation of the query generating button results in display of a find window of the user interface to assist the user in creating a query, wherein the query defines a search of an electronic programming guide database, wherein the user interface is configured to allow the user to save the query, and wherein the saving results in creation of a soft button, defined on the user interface, such that operation of the soft button allows a user to quickly retrieve and operate the saved query;

**presenting a list of programs to the user, wherein the presented list is obtained by searching comprising:**

**obtaining data from a 10-key keypad such that each of 26 letters is associated with one key of the 10-key keypad;**

**iteratively searching for programs having sequential letters in a word in a title of the program corresponding to corresponding sequential keystrokes of the 10-key keypad; and**

**presenting the user, upon each iterative search, with successively shorter lists of programs from which to select a desired program;**

displaying an advanced find window in response to selection of an advanced query button within the find window, wherein the advanced find window defines a plurality of user created searches, wherein a user created search may be saved by the user by associating the search with a tabbed folder, and wherein tabbed folders may be created and removed by operation of buttons within the advanced find window;

unifying plural queries using a unified query function configured to combine queries into a unified query, wherein the combining is performed by a Boolean AND or OR function; and

**operating a query generated by the user as a background query, wherein the operating comprises:**

**periodically running the query;**

**identifying a program according to the query;**

**setting an icon on a screen, for view by the user, after identifying the program; and**

**recording the identified program if the user does not activate the icon prior to a viewing time of the identified program.**

**[0023]** As a first point, the Applicant notes that claim 7 recites in part, “providing icons configured to be dragged and dropped by the user into a program tile associated with any program, wherein the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program” (emphasis added). The Applicant respectfully incorporates the remarks from claim 1 at this location.

**[0024]** As a second point, the Applicant notes that claim 7 has been amended to recite elements of a method of searching for specific programming within a programming user interface, particularly reciting specific aspects of how a 10-key keypad can be used to conduct an iterative search to present a user with successively shorter lists of programs from which to select a desired program. These claim elements are newly added by amendment, and the Office has not alleged that such material and/or related material is taught or suggested by the cited art of record. Accordingly, the Applicant respectfully submits that the amendment recites allowable subject matter, and asks, at least in view of the amendment, that the rejection of claim 7 be removed, and the claim allowed to issue.

**[0025]** As a third point, the Applicant notes that claim 7 has been amended to recite elements of a method of operating a query as a background query. Such a query advantageously operates in the background, such as when a user is watching programming. The query is periodically run, identifies programming, and displays an icon on the screen to alert the user. These claim elements are newly added by amendment, and the Office has not alleged that such material and/or related material is taught or suggested by the cited art of record. Accordingly, the Applicant respectfully submits that the amendment recites allowable subject matter, and asks, at least in view



of the amendment, that the rejection of claim 7 be removed, and the claim allowed to issue.

**[0026]** Consequently, the cited art of record does not teach or suggest all of the elements and features of claim 7. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

### Independent Claim 8

**[0027]** The Applicant submits that, at least in view of the amendments, the Office has not made a *prima facie* showing that independent claim 8 is obvious in view of the combination of Legall in view of Schindler, Yohanan, Maze and Coden. The Applicant submits that even combined, the references of record do not teach or suggest at least the following features of this claim (with emphasis added to indicate points of discussion):

**8. (Currently Amended)** An electronic program guide displaying television programming information, comprising:

a memory communicatively coupled to a processor, wherein computer-executable instructions are stored on the memory, and wherein execution of the instructions by the processor results in operation of:

a user interface indicating television programming information comprising a plurality of channels, time periods and programs, wherein a user can realize when and on what channel a program is offered by viewing a program tile associated with the program, wherein the user interface implements recording and reminding functionality by providing icons configured to be dragged and dropped by the user into a program tile associated with any program, **and where the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program, respectively;**

a find window within the user interface, displayed in response to activation of a query generating button, to assist the user in creating a query, wherein the query created by operation of the find window defines a search of an electronic programming guide database, wherein the user may save the query, and wherein the saving results in creation of a soft

button, defined on the user interface, such that operation of the soft button allows a user to quickly retrieve and operate the saved query;

an advanced find window, displayed in response to selection of an advanced query button within the find window, wherein the advanced find window allows search by additional search parameters including keywords, wherein the advanced find window defines a plurality of user created searches, wherein a user created search may be saved by the user by associating the search with a tabbed folder displayed within the advanced find window, and wherein tabbed folders may be created and removed by operation of buttons within the advanced find window;

a unified query function configured to combine queries into a unified query, wherein the combining is performed by a Boolean AND or OR function; and

a quick find window, displayed within the user interface, for presenting a list of programs to the user, **wherein the presented list is obtained by searching using input data from a 10-key keypad such that each of 26 letters is associated with one key of the 10-key keypad, wherein the quick find window iteratively presents to the user, upon iterative searches prompted by a keystroke of the 10-key keypad, successively shorter lists of programs from which to select a desired program, wherein each program in the lists has sequential letters in a word in a title of the program corresponding to sequential keystrokes of the 10-key keypad.**

**[0028]** As a first point, the Applicant notes that claim 8 recites in part, “providing icons configured to be dragged and dropped by the user into a program tile associated with any program, wherein the icons can be seen after being dropped, to indicate desire by the user to record the program or be reminded of the program” (emphasis added). The Applicant respectfully incorporates the remarks from claim 1 at this location.

**[0029]** As a second point, the Applicant notes that claim 8 has been amended to recite elements of a method of searching for specific programming within a programming user interface, particularly reciting specific aspects of how a 10-key keypad can be used to conduct an iterative search to present a user with successively shorter lists of programs from which to select a desired program. The Applicant respectfully incorporates the above remarks from claim 7 at this location.

[0030] Consequently, the cited art of record does not teach or suggest all of the elements and features of claim 8. Accordingly, Applicant respectfully requests that the rejection of this claim be withdrawn.

### **Conclusion**

[0031] For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application. If any issues remain that would prevent allowance of this application, the

**Applicant requests that the Examiner contact the undersigned representative so that an attempt may be made to resolve all outstanding issues.**

Respectfully Submitted,

Lee & Hayes, PLLC  
Representative for Applicant

/David S. Thompson 37954/

Dated: 29 Jan 2010

David S. Thompson  
Registration No. 37954  
509-944-4735  
[davidt@leehayes.com](mailto:davidt@leehayes.com)

Damon J. Kruger  
Registration No. 60400